

MACOMB

Republican withdraws from lawsuit against county clerk

■ **Activists claim Sabaugh was wrong to send absentee ballots to seniors.**

By Chad Selweski

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A plaintiff in a lawsuit filed by Republicans challenging Macomb County Clerk Carmella Sabaugh's absentee voting policy has withdrawn from the case, calling it misguided and "a losing battle."

Max Fellsman of Clinton Township was one of three Macomb County Republican activists who filed the lawsuit before the November 2006 election to block Sabaugh from sending unsolicited absentee ballot applications to 50,000 senior citizens across the county. The case continues today in Macomb Circuit Court with the GOP arguing that Sabaugh overstepped her bounds.

Fellsman, a Republican political

consultant, said he joined the lawsuit because he originally suspected Sabaugh and Democrats were trying to "stuff the ballot box." At the time, the county clerk was the Democratic nominee running for secretary of state.

But Fellsman said this week that the GOP tactic backfired, creating a backlash and in particular a "lot of flak" from senior voters. He now agrees with Sabaugh's view that mass mailings of absentee ballot applications boosts voter turnout, and he rejects assertions that high turnouts hurt the Republican Party.

"I don't buy that argument. We've got to compete for those (added) voters," said Fellsman, 60. "We must encourage voter turnout, both in the pri-



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maries and in the general election."

Michigan Republican Party officials declined to comment about Fellsman's departure from the lawsuit.

"We are aware of this, and the case is moving forward," said Nicole Kaminski, a GOP spokeswoman.

The Republicans argue that Sabaugh has no authority under state law to mail ballot applications. They claim the practice sets a dangerous precedent that could distort elections.

The other two Macomb plaintiffs, Greg Fleming of Eastpointe and William Susick of Clinton Township, have apparently chosen to continue pursuing the case. The original plaintiffs were chosen by the state party after a concerted effort to recruit Macomb voters to put their name on the lawsuit.

Sabaugh was pleased to learn that the GOP had experienced a defection in the ranks.

"That's really interesting. I'm glad he finally saw the light," she said. "I always thought it was definitely political. And I always

thought everyone should get an absentee ballot application."

At issue is Sabaugh's decision to send ballot applications to seniors in the 11 Macomb communities where local clerks do not conduct such mailings, except upon request of the voter.

A circuit court ruling in October rejected the GOP's bid for an injunction preventing the mailing. The Republicans appealed to the Michigan Court of Appeals, but last month that motion was dismissed by the appellate court as a moot point with the November election concluded.

The court deferred to the circuit court, where a pre-trial hearing is scheduled for today in Judge David Viviano's court.

Sabaugh continues the practice of mailing unsolicited applications. She mailed 15,000 applications in the four Macomb communities where she oversees school elections May 8. She plans to do the same in advance of the 2008 primary and general elections.

"If the courts don't stop us," she said, "I'll be happy to do it."